

**ZONING MAP AMENDMENT
(ZMAP 2006-0024)
COMMUNITY CORNER
~Statement of Justification~**



Introduction

Gateway Community Church (the "Applicant") submits this Statement of Justification for the rezoning of approximately 10.0112 acres of real property (the "Property"). The Property is located on the east side of Gum Spring Road (Route 659), about 0.4 miles south of the intersection of Gum Spring Road and Route 50, in the Dulles Election District of Loudoun County, and further described as Tax Map Number 101 Parcel 44B, MCPI # 204-10-2931 and Tax Map 101 Parcel 41A, MCPI # 204-19-8672. The Property is currently zoned Commercial Light Industry (CLI) and Single Family Residential (R-1) per the Revised 1993 Zoning Ordinance (RZO), of which the Applicant proposes rezoning portions to Planned Development – Commercial Center – Community Center (PD-CC-CC).

Project Description

The Applicant is proposing the construction of six (6) commercial pad sites on approximately 10.0112 acres of property. This rezoning proposes the construction of two banks with drive-through facilities ($\pm 9,550$ total SF), two office/retail buildings ($\pm 27,900$ total SF), one fast food restaurant with drive-through facilities ($\pm 5,350$ SF) and one pharmacy with drive-through facilities ($\pm 10,000$ SF). This project incorporates the approved alignment of West Spine Road and also the extension of Tall Cedars Parkway, of which both bisect the subject parcel.

Due to the growing demands of the emerging residential community in Dulles South, this proposal will support the need for a broad range of retail and commercial uses that is provided by sites like Stone Ridge Shopping Center, South Riding Market Square and Brambleton Town Center. The Applicant wishes to develop the property consistent with the PD-CC-CC commercial zoning district, to serve the local needs of the surrounding community. This project will have a minimal impact on the delivery of public services given the site's proximity to major roadways and utilities that are planned, existing, or under construction. More than half of the Property is not subject to this proposed rezoning (identified as Residue on the Concept Development Plan (CDP)); whose intended use for a place of worship will not serve any economic gain. The proposed community shopping center rezoning is an appropriate use in an appropriate location and is consistent with the policies of the Loudoun County Revised General Plan (RGP) and the Revised Countywide Transportation Plan (CTP).

Zoning Map Amendment Factors – Revised 1993 Zoning Ordinance §6-1211(E)

(1) *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*

The Property is located in the Suburban Policy Area, just south of the Route 50 Corridor, as designated in the RGP. In addition, the Property is located at the nexus of two major planned roads, as designated by the CTP. The proposed PD-CC-CC rezoning is consistent with the RGP, since it serves to provide the commercial resources that are needed by the rapidly growing local residential community. This is further described below.

Land Use and Density

The location of the Property places it within the Dulles Community. The Property comprises three planned land uses: Business, Residential, and Hybrid Retail Center, the latter of which is largely contained in the Residue portion of the Property. All three of these uses allow commercial development.

Several nearby commercial properties are either developing or have developed in a similar design pattern. South Riding Market Square lies to the East, Stone Ridge Shopping Center to the West, and Brambleton Town Center to the North. The types of uses proposed for the Property are consistent with the aforesaid commercial properties however, the Property will be on a smaller scale ($\pm 52,800$ SF) and will not be anchored by a big-box store but, by a mix of small-medium type stores like a restaurant, bank, pharmacy, and small lease spaces for the office professional or commercial franchise.

Consistent with the RGP, the Property is planned to be developed on central utilities. It's location at the crossroads of two major planned roadways is perfect for serving the general area with commercial needs and amenities, and does not divide neighborhood communities, but rather serves as a buffer between roadway traffic and residential neighborhoods.

Green Infrastructure, Tree Preservation, and Open Space

The only elements of Green Infrastructure that exist onsite consist of forest and accessory wetlands transformed from an old farm pond. There are no floodplain or significant watercourses traversing the site. The proposed development relies on conservation design concepts to retain the natural state of the Property, like Best Management Practices (BMP) and Low Impact Development techniques, to preserve to the maximum extent feasible the forest that currently predominates the Property. Tree protection areas are identified on the CDP where appropriate. Any loss of

wetland area will either be compensated through wetland reconstruction on the Property or, by contributions to a wetlands bank. Regardless of the methodology chosen, final engineering shall employ the techniques necessary to minimize impervious impacts and retain the natural state of the Property, in order to sustain runoff for both existing and ultimate conditions, and satisfy mandated water and air quality standards.

Relationship of Property to Adjacent Parcels/Developments

The Property is surrounded primarily by residential development to the South and West. Commercial development either exists or is pending County review to the North. A single vacant tract bounds the Property to the East. Residential communities all along Gum Spring Road will be well served by the commercial services offered by the Property, coupled with improvements to alleviate traffic congestion, to West Spine Road and the extension of Tall Cedars Parkway.

Design

The Land Use Pattern and Design Policies, Community Policy, and Suburban Transportation Policies suggest that the Suburban Policy Area be **self-sustaining** and include **commercial and employment** uses that are **pedestrian friendly**. The Illustrative Plan found in the CDP is based on the proposed alignments of two planned roads per the CTP. Sidewalk/trail connections are shown between buildings and to adjacent properties. Buffering and screening are provided to protect impacts to adjacent residential neighborhoods. Parking and traffic circulation are directed to the rear of the development, in order to implement the elements of streetscape and land use arrangement found under the Design Guidelines in Chapter 10.

The Green Infrastructure Policy does not apply to the Property. The Property is not located proximate to any designated water supply reservoir. However, the development of the Property seeks to preserve to the maximum extent feasible the forest that currently predominates the Property.

The Open Space Policies recommend a mixture of open space uses for any new development. Due to the commercial nature of the proposed development, two basic forms are provided: Public and Screened Open Space. The Illustrative Plan shows Public Open Space around and between all buildings, to create reasonable accessibility and provide larger outdoor extensions for eating, gathering, or just personal enjoyment. It is intended these larger areas would contain complementary structures and/or landscaping to help foster these activities. Trails and sidewalks fan out to the parking areas and neighboring communities for safety and connectivity. Screened Open Space is located on the periphery, which

serves to both effectively screen non-residential from residential and provide stormwater management.

The General Water and General Wastewater Policies support the extension of central utilities to the Property.

The Infill, Redevelopment, and Revitalization Development Policies do not apply to the Property.

The proposed PD-CC-CC zoning district classification is appropriate for the Property as follows:

- i. The development is a small-scale shopping center in accordance with Article VIII of the RZO;
- ii. It is at the crossroads of two major planned roadways per the CTP;
- iii. The Property's land-use designations, according to the RGP, support commercial development; and
- iv. The submitted Retail Market Analysis by Fore Consulting, Inc. demonstrates a real demand for the commercial uses proposed.

(2) *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

The entire Dulles Community is undergoing significant change. Stone Ridge is still growing and remains under construction to the West. A multitude of residential subdivisions and schools are in varying stages of development to the South. It is only a matter of time before the vacant tract adjoining the Property to the East is developed and completes the east-west division of the Dulles Community on the south side of Route 50. Central to the development of the surrounding areas, and at the core of the proposed rezoning, are the major north-south and east-west roadways planned to intersect on the Property.

It is evident that a strong market demand exists for the commercial uses proposed as part of this rezoning application. Given the adopted Arcola Area/Route 50 Comprehensive Plan Amendment allows for the consideration of commercial retail and service uses that exceed the 10% retail maximum and the slowing housing market, the amenities being offered by the proposed rezoning should be favored as support for the surrounding residential areas. In addition, the much-disputed traffic concerns are worsening, which are evinced by asking local residents, news media, and the County. Therefore, as part of the proposed rezoning, the Applicant is proffering certain improvements to portions of Tall Cedars Parkway and West Spine Road, which traverse the Property. This will ultimately contribute to the relief of traffic congestion generated in the west-divided area of the Dulles Community.

- (3) ***Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.***

The uses allowed under the proposed PD-CC-CC zoning district classification are very much compatible with the existing surrounding uses, and is further supported by the advent of the Arcola/Route 50 Comprehensive Plan Amendment. The smaller scale development of the Property, as shown by the Illustrative Plan, provides a transition between the higher density commercial uses more appropriately located along the Route 50 corridor to the North, and the residential uses to the South. In addition, the intersection of the parallel major collector (Tall Cedars Parkway) and the north-south minor arterial (West Spine Road) is a convenient location to establish that transition.

The Illustrative Plan shows several buildings with interconnecting pedestrian thoroughfares, as opposed to one large continuous structure. No big-box stores are proposed. Intense vegetative and/or structural screening and landscaping to buffer adjacent residential uses is proposed. Bike and pedestrian trails will ensure connectivity throughout and to the surrounding neighborhoods. The layout is designed to promote pedestrian safety and access, at a scale that fits the low density pattern of existing residential neighborhoods.

- (4) ***Whether adequate utility, sewer, and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.***

The Property will be served by public water and sewer at no cost to the County or the Loudoun County Sanitation Authority (LCSA). Preliminary discussions with the LCSA reveal that adequate supply exists to meet the demands proposed by the rezoning. Several opportunities exist to extend these utilities to the Property. The method by which the Property will be ultimately served will depend on the timing of development of the Property.

The impacts to existing traffic will be minimized by the proposed rezoning, with the addition of West Spine Road and the extension of Tall Cedars Parkway. According to the submitted Traffic Study Report by Patton, Harris, Rust & Associates (PHR&A), the complete build-out of the Property including the Residue portion for a place of worship (not subject to the proposed rezoning), would result in an additional 11,708 estimated

daily vehicle trips. However, this will be adequately handled by proffered road improvements, by this application and by others in the area.

If however, the Property is developed by-right, the traffic generated would not be sufficient enough to require any improvements to extend the County-planned Tall Cedars Parkway. The R-1 zoned area would yield eight single family dwellings, and the CLI zoned area would be used to establish a place of worship and possibly a couple commercial buildings with frontages to West Spine Road.

(5) *The effect of the proposed rezoning on the county's groundwater supply.*

The Property will be served by public water and sewer. The runoff generated by the development south of Tall Cedars Parkway will be treated by a BMP facility as indicated by the CDP. The runoff generated by the development west of West Spine Road will be collected and treated offsite on the north-adjoining Sarswati property. Alternatively, runoff will be collected and treated via underground detention, consisting of a pipe network beneath the parking lot on the northeast corner of Sub Area 2 per the CDP.

A preliminary study by Huntley, Nyce & Associates, Ltd. (HNA) finds that no adverse impacts to groundwater resources would result from development of the Property. The stormwater management design proposes BMPs to insure water quality.

(6) *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.*

Any land disturbance for construction shall adhere to the governing standards and ordinance requirements, as they may apply. Steps will be taken to ensure the structural capacity of soils within the property for the uses proposed.

(7) *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

Given the improvements to West Spine Road and extension of Tall Cedars Parkway that are proposed with the rezoning of the Property, no adverse

impact is projected on the area roads per the Traffic Study Report provided by PHR&A.

The portion of the Property located west of West Spine Road will access this minor arterial via interparcel connections to the future Southpoint Drive extension that is proposed by the north-adjointing Sarswati property. Development plans for the Sarswati property were recently submitted to the County.

The portion of the Property located south of Tall Cedars Parkway will have direct access to this major collector. Pedestrian and bicycle pathways are proposed throughout, for safety and connectivity to surrounding areas.

It is worth noting that if the Property is developed by-right, the traffic generated would not be sufficient enough to require any improvements to extend the County-planned Tall Cedars Parkway. The R-1 zoned area would yield eight single family dwellings, and the CLI zoned area would be used to establish a place of worship and possibly a couple commercial buildings with frontages to West Spine Road.

Through construction traffic will avoid existing neighborhood and school areas by using the major roadways, ie. existing Route 50 and Route 659, and West Spine Road which is pending construction by others. All state and local requirements will be met in order to mitigate any impact on adjacent parcels and local roads.

(8) *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

The current zoning of the Property is CLI and R-1, and has no viable economic use that is "reasonable" for the following reasons:

- i. Use;
- ii. Lot Size;
- iii. Floor Area Ratio; and
- iv. Accessibility.

The unmet demand for the range of uses identified by the Retail Market Study is best provided in the PD-CC-CC zoning district. A strict comparison of these uses in both the CLI and PD-CC-CC zoning districts clearly favors the latter, in terms of the number of uses even allowed or permitted by-right than by special exception. More specifically, drive-through restaurants, pharmacies, medical and dental offices are simply not allowed in the CLI zoning district. Although other restaurant-types, convenience stores, retail sales, banks, and personal service establishments

are permitted by special exception in the CLI zoning district, they are permitted by-right in the PD-CC-CC zoning district. Moreover, the R-1 zoning district severely affects the economic viability of the Property located south of Tall Cedars Parkway.

The minimum lot size in the CLI zoning district is two (2) acres, which is cost prohibitive in cases like this one, where a site is relatively small and the desire may be to subdivide. The "no minimum lot size" in the PD-CC-CC zoning district is further reason to support the rezoning of the Property.

The maximum floor area ratio in the CLI zoning district is 0.30, which is more restrictive in comparison to the 2.0 maximum for lots in the PD-CC-CC. The R-1 zoning district lends to a degree of uncertainty, as the governing regulations are geared for residential uses.

Accessibility is a key motive for rezoning the Property. By proffering the construction of Tall Cedars Parkway, the transportation network in Dulles South is enhanced and one step closer to linking what is viewed as a separation of communities that are south of Route 50. Notwithstanding provisions for bicycle and pedestrian mobility, the layout proposed is also conducive to supporting local bus services.

(9) *The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.*

The proposal will seek to preserve the naturally built features of the site by using a variety of techniques designed to employ vegetative features and make use of newer technologies. These techniques are further described on the CDP. The old farm pond, now a designated wetland, will be impacted by the proposed development, due to the physical and legal constraints such as the Tall Cedars Parkway alignment, zoning setbacks, buffers, and property lines. However, mitigation will be made either by contribution to a wetlands bank or in close proximity to the development itself.

Please note the old farm pond is not designed to current engineering standards, and thus unsafe. The loss of this pond would be inevitable no matter what type of development was constructed.

(10) *Whether the proposed rezoning encourages economic development in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

This area is designated in the Comprehensive Plan for economic development along the Route 50 Corridor and further supported by the adopted Arcola/Route 50 Comprehensive Plan Amendment. The variety of commercial uses proposed will provide desirable employment opportunities to the surrounding residential development and will enlarge the tax base.

(11) *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

The proposed rezoning will provide needed amenities and services to nearby residential areas, given the rising home construction in the Suburban Policy Area south and east of Dulles Airport, and along Route 50. Traffic congestion is also on the rise. Thus construction of Tall Cedars Parkway through the Property will further improve the County's position in providing the safe and orderly development of the Dulles South region. Local employment is enhanced by having more mixed uses, which will be linked by local bus services. Pedestrian linkages will also be provided, which provides greater pedestrian connectivity between existing local employment and residential areas.

(12) *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

The proposed rezoning offers a place for businesses to serve the immediate needs of surrounding neighborhoods. A retail study prepared by Fore Consulting, Inc. shows the need for office/retail sales, banks, restaurants, and other amenities proposed by the development. These services and amenities will be supported by approximately 15,212 households within the competitive trade area.

Approval of this rezoning will permit the early construction of Tall Cedars Parkway, at a time consistent with the construction of West Spine Road. This supports the need to improve the ever-present traffic congestion in the Dulles South community.

The proposed commercial rezoning is a more suitable choice of land use at the crossroads of a future major intersection, rather than its current residential use for a portion of the Property.

- (13) ***Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.***

The dominant land use pattern in the area is single family development. However, there are commercial land uses north of the site along Route 50. The proposed rezoning is consistent with those patterns and preserves and increases the values of adjoining properties by providing low-density services and amenities that are needed in order to support one another within a community development. Note that approximately 20 acres of the Property that is not being rezoned (identified as Residue) is reserved for a place of worship and will not include any commercial component.

- (14) ***Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county.***

The Route 50 business corridor and surrounding technology centers continue to hire new employees who move to this area of Loudoun County. In addition, the Dulles Airport expansion and new Homeland Security program will draw many new employees and their families to the area. Thus in order to meet the needs of the homeowners, certain commercial needs can be provided locally through this rezoning application. Given the soft housing market, the amenities being offered with this rezoning support the surrounding residential neighborhoods as recognized by the market study, as well as provide close employment opportunities. As further support, the area traffic is maxed and overloading major roads. Therefore, as part of the rezoning, the applicant is proffering the construction of Tall Cedars Parkway through the property which will eventually help alleviate some of the congestion within the vicinity of the project. This coincides with the CTP.

- (15) ***The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.***

The rezoning will not provide new single family housing however, the provision of immediate commercial services would raise livability standards for the local residents.

- (16) ***The effect of the rezoning on the natural, scenic, archeological, or historic features of significant importance.***

The rezoning does not affect natural, scenic, archeological or historic features of significant importance. A Phase 1 Archeological study

completed by John Milner Associates does not identify any natural, scenic, archeological, or historic features that adversely impact the County's resources.

Requests for Modification – Section 6-1504

- (1) ***The Applicant requests a modification of Section 4-205(C)(2) of the Revised Zoning Ordinance (Yards Adjacent to Agricultural and Residential Districts and Land Bays Allowing Residential Uses).***

Applicant requests that the 100' yard be reduced to 45' along a portion of the southern-most property line, for the portion of the Property located south of Tall Cedars Parkway, in order to achieve a layout that is reasonable and matches a preferred pattern of development, as recommended by the RGP and RZO. Please refer to the Illustrative Plan as a visual aide. The reduction of the 100' yard allows for a majority of parking being located behind the shopping center and away from view of Tall Cedars Parkway. A single parking row would remain upfront, but only to satisfy those trips whose purpose are for quick errands, as well as to minimize internal automotive movement. Signage could be erected that limits the amount of parking time for a vehicle. The overall result is an enhanced streetscape that is not only consistent with the use limitations of the RZO, but also improves and exceeds the public purpose of existing regulations, by creating a desired streetscape that is personal and oriented to the pedestrian – and not reminiscent of a strip mall. Building facades and pedestrian thoroughfares would have a direct relationship with Tall Cedars Parkway due to its closer proximity, and also function as a screen for the mass of parking spaces associated with such a use.

Since the site is constrained by its shape, the proposed layout can only be achieved by a reduction of the 100' yard requirement, combined with LID techniques for stormwater management like rain gardens, filterstrips and underground detention basins. These techniques are described on the coversheet of the CDP, and contribute to the innovativeness of the project design itself.

In order to offset the reduced yard requirement, intensive landscaping will be applied to the southern-most property line, over and above that which is required by the Type 4 Rear Buffer Yard. One way this can be achieved is by increasing the number of canopy/understory/evergreen trees and shrubs by 10% and the buffer yard increased from 30' to 40'. By providing intense vegetative screening, which again improves upon the existing regulation, the negative side effects of commercial uses and parked cars

are reduced in order to sustain the integrity of the residential area to the south. This also gives the appearance of having greater separation between uses while achieving a better compact design (.12 total FAR) for the whole community.